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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,172	11/17/2003	Patrick M. Jones	EMER 2627 (E-2422)	4100

28997 7590 06/08/2005

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EXAMINER

MULLINS, BURTON S

ART UNIT PAPER NUMBER

2834

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/715,172	Applicant(s) JONES, PATRICK M.	
	Examiner Burton S. Mullins	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 and 12-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1103</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of claims 7-11 (Group II) in the reply filed on May 9, 2005 is acknowledged. The traversal is on the ground(s) that the searches are the same. This is not found persuasive because as set forth in the restriction the subcombinations are classified in different subclasses, and the search for Group II does not include the searches for Groups I and III. The requirement is still deemed proper and is therefore made FINAL.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on November 17<sup>th</sup>, 2003 has been considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Wetters (US 4,336,473). Wetters teaches a motor 10 comprising: a housing defined by a hollow casing (shell) 21; a stator 22 in the housing; a rotor 23 and rotor shaft 14 mounting the rotor for rotation in the housing (Fig.1); a fan 63 mounted on the rotor shaft 14 to advance a flow of cooling air through the housing (c.3, line 40-c.4, line 3), the fan having a central hub (disc part) 66 and plural blades

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68 (Fig.1); and a baffle 71 in the housing at a position generally between the stator 22 and the fan 63 for directing flow, the baffle having an annular shape (c.3, line 63) and a central opening (not numbered, Fig.1) for passage of cooling air toward the fan (c.3, lines 64-67); wherein the blades 68 of the fan are spaced from the hub 66 thereby forming a clearance region (not numbered) between the hub and blades (Fig.1).

5. Claims 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al. (US 5,780,946). Nakamura teaches a motor 20 comprising: a housing defined by a hollow casing (comprising core 28, supports 32 and 34 and casing 52); a stator 26 in the housing; a rotor 24 and rotor shaft 22 mounting the rotor for rotation in the housing (Fig.1); a fan 60 mounted on the rotor shaft to blow cooling air through the housing, the fan having a central hub (not numbered) and plural blades (vanes) 58 (Figs.3&4); and a baffle (guide plate) 64 in the housing at a position generally between the stator and the fan for directing flow (Fig.1; c.2, lines 33-35), the baffle having an annular shape and a central opening (not numbered) for passage of cooling air toward the fan (Fig.1); wherein the blades of the fan are spaced from the hub thereby forming a clearance region (generally corresponding to suction side 62) between the hub and blades (Figs.3&4). Regarding claim 8, the blades comprise backward curved vanes (c.3, lines 30-33). Regarding claim 9, the centrifugal fan sucks air into passages 42 from front support member 32 and discharges air at rear end wall 54 (c.3, line 66-c.4, line 3); thus, the baffle 64 comprises an upstream side facing stator 26 and a downstream side facing fan 60, with a uniform gap (not numbered) between the downstream side of the baffle 64 and the fan blades 58 (Fig.1).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura.

Nakamura does not specify the claimed gap range; however, this would have been an obvious modification because it is not disclosed that the claimed range produces new and unexpected results different in kind and not merely in degree from the results of the prior art and hence would have involved ordinary skill. In re Aller, 105 USPQ 233 (CCPA 1955).

***Allowable Subject Matter***

8. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not teach the claimed motor and fan including, inter alia, a rim on the outer periphery of the baffle, the rim having at least one tab configured to be received in a corresponding hole in the casing to releasably secure the baffle in the casing,

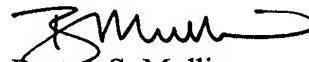
***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Burton S. Mullins whose telephone number is 571-272-2029. The examiner can normally be reached on Monday-Friday, 9 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Burton S. Mullins  
Primary Examiner  
Art Unit 2834

bsm  
June 2, 2005